

AN ORDINANCE

BY COUNCILMEMBER NATALYN ARCHIBONG

**AN ORDINANCE AMENDING THE ATLANTA TREE PROTECTION ORDINANCE, CODE SECTION 158-66(a), TO ALLOW FOR TREE TRUST FUND DOLLARS THAT ARE EARMARKED FOR EDUCATION IN ANY GIVEN YEAR AND UNUSED, TO BE UTILIZED FOR EDUCATION IN FUTURE YEARS; TO AUTHORIZE THAT A NEW ACCOUNT BE CREATED AND ENTITLED TREE TRUST FUND EDUCATION FEES; AND TO AUTHORIZE THAT SUCH EDUCATION FEES BE DEPOSITED INTO SAID ACCOUNT, WHOSE NUMBER SHALL BE PROJECT 25210242 (EDUCATION OUTREACH/TREE REMOVAL, AWARD 100191794 (TREE RECOMPENSE), TASK 101 (EDUCATION OUTREACH), FUNDING SOURCE 91794; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") Tree Conservation Commission was established by the City's Tree Ordinance to oversee the management and maintenance of trees on both public and private property, and to establish educational programs that encourage proper management and maintenance of trees on private property so that the City and its residents enjoy the benefits provided by the City's urban forest; and

**WHEREAS**, in 2001, in what is codified as Atlanta Code of Ordinances section 158-66, the Tree Conservation Commission was tasked with establishing a Tree Trust Fund to be utilized for the protection, planting, maintenance, and regeneration of City trees and other forest resources, and for related educational programs and materials; and

**WHEREAS**, the Tree Trust Fund is funded by developers, builders, contractors, homeowners and others as a recompense for permitted and illegal removal and destruction of trees within the City; and

**WHEREAS**, Atlanta Code of Ordinances section 158-66 (a) provides that a maximum of 5% of the Tree Trust Fund dollars received during the immediately preceding fiscal year or \$100,000, whichever is greater, may be used for educational materials, education programs, and an administrative analyst whose primary responsibility is education; and

**WHEREAS**, the City recognizes that educating the public about tree maintenance and preservation is critical to retention of a healthy tree canopy; and

**WHEREAS**, the Tree Conservation Commission recommends that the unused education dollars from one year remain in an education fund to be used in future years. In that way, the Commission may accrue funds for a larger education project, may take the time necessary to complete planning for a particular education project, and may make decisions without the pressure of losing unused funds; and

**WHEREAS**, the City agrees that implementing the recommendation of the Tree Conservation Commission is in the best interest of the City; and

**WHEREAS**, in fiscal year 2008, an eighteen month period, the amount of Tree Trust Fund dollars that could be used for educational purposes was approximately \$174,000. During that fiscal year, the City changed its accounting system, and the Tree Conservation Commission was unable to access the education funds. As a result, the Tree Conservation Commission was unable to spend \$125,000 of education money even though it had education projects that it wanted to implement. Given the importance of tree education, the Commission does not want to lose the ability to spend that \$125,000; and

**WHEREAS**, it is in the best interest of the City to allow the Tree Conservation Commission to utilize the \$125,000 during Fiscal Year 2009 or later.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:**

**Section 1.** Section 158-66(a) of the Atlanta Code of Ordinances shall be modified by deleting the following sentence in its entirety:

“During any given fiscal year, a maximum of five percent or the funds received by the tree trust fund during the immediately preceding fiscal year or \$100,000, whichever is greater, may be used for educational materials, education programs, and an administrative analyst whose primary responsibility shall be education.”

and replaced with the following:

“During any given fiscal year, five percent of the funds received by the tree trust fund during the immediately preceding fiscal year or \$100,000, whichever is greater, shall be placed into a Tree Trust Fund Education account, and such monies shall be used for educational materials, educational programs, and an administrative analyst whose primary responsibility shall be education. Any amount not utilized in the given fiscal year shall remain in the account to be utilized in future years.”

**Section 2.** A new account shall be created and entitled Tree Trust Fund Education Fees, and shall have the number: Project 25210242 (Education Outreach/ Tree removal), Award 100191794 (Tree Recompense), Task 101 (Education Outreach), Funding Source 91794.

**Section 3.** During the first month of a given fiscal year, five percent of the funds received by the tree trust fund during the immediately preceding fiscal year or \$100,000, whichever is greater (“Tree Education Dollars”), shall be withdrawn from the Tree Trust

Fund Account, whose number is: Fund 7701, Department 250101, Function Activity 1320000, Funding Source 69999, Project: 600013, and deposited into the Tree Trust Fund Education Fees Account, whose number is Project 25210242 (Education Outreach/ Tree removal), Award 100191794 (Tree Recompense), Task 101 (Education Outreach), Funding Source 91794. Should the transfer into the Tree Trust Fund Education Account not occur during the first month of a given fiscal year, the transfer shall occur as quickly thereafter as possible. Any Tree Education Dollars not utilized in the given fiscal year shall remain in the Tree Trust Fund Education Account to be utilized in future years. This legislation hereby authorizes the annual allocation of Tree Education Dollars into the Tree Trust Fund Education Account, and no future legislation shall be necessary for such authorization.

**Section 4.** In addition to the funds transferred to the Tree Trust Fund Education Account in Fiscal Year 2009, as described in Section 3 above, an additional \$125,000 shall be transferred into the Tree Trust Fund Education Account as quickly as possible after the passage of this ordinance. This amount will reimburse the education dollars that were not accessible for use during Fiscal Year 2008.

**Section 5.** The Tree Education Dollars shall be used solely for educational materials, educational programs, and an administrative analyst whose primary responsibility shall be education. The Tree Conservation Commission's expenditures of the Tree Education Dollars shall be determined by a majority vote of the Tree Conservation Commission's commissioners and approved by the Commissioner of the Department of Planning and Community Development, without need for further legislation. Said expenditures shall be charged to and paid from **Department number 250101 and various fund account numbers as follows: Electronic Media 5317005 \$28,000; Tree City Signage 5421003 \$12,000; Historic Tree Markers 5421003 \$5,000; Print Media Development 5317005 \$7,000; Printing and Binding 5234001 \$27,000; Consultant/Professional Services 5212001 \$40,000; Advertising 5233001 \$10,000; Business Meeting Expense 5730005 \$2,700; Supplies & Consumables 5311001 \$7,500; Postage 5232002 \$19,000; Public Seminars and Training Sessions 5237001 \$8,500; Commissioner Training/Travel per diem 5235003 \$6,100; Professional Memberships 5236001 \$1,500.** The Tree Conservation Commission shall provide an annual report to the Community Development/Human Resources Committee detailing the previous fiscal year's educational expenses.

**Section 6.** All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.